

REMARKS

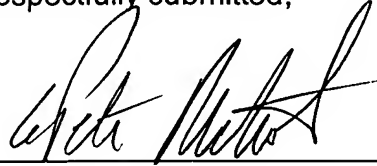
Claims 1-5, 7-17, 19, 23, and 26-29 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Pat. 5,401,591 to Bishay et al. (Bishay). Claims 6, 18, and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bishay. Claims 21, 22, 24, and 25 were also rejected under 35 U.S.C. § 103(a) as being unpatentable over Bishay in view of U.S. Pat. 5,553,675 to Pitzen et al. (Pitzen). Applicants cancelled claim 17 and therefore that rejection is now moot. With respect to the remaining claims, Applicants respectfully request the Examiner to reconsider the rejection in view of above amendments and the following remarks.

The present claims require a relatively soft elastic member within the internal cavity contacting a portion of at least some of the battery cells. Support for this feature can be found at least at paragraphs 32 and 33 as well as Figures 5, 7, and 8.

Neither Bishay nor Pitzen alone or in combination teach or suggest this feature. Bishay teaches a battery pack 108 that has a left battery case 108A and a right battery case 108B that hold the batteries. Pitzen teaches a battery housing 31 constructed from an autoclavable material. No where does Bishay or Pitzen teach an internal relatively soft elastic member. Applicants therefore submit the claims are allowable over the cited references.

If, for any reason, the Examiner feels that the above amendments and remarks do not put the claims in condition for allowance, the undersigned attorney can be reached at (312) 321-4276 to resolve any remaining issues.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "G. Peter Nichols", written over a horizontal line.

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